

BILL NO. 86-49
AS AMENDED

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 86-49 (AS AMENDED)

Introduced by Council Member Fielder

Legislative Day No. 86-31 Date December 2, 1986

AN ACT to repeal and re-enact, with amendments, Section 6-8, heading, Schedule of Fees; services by auctioneer prior to sale, of Article II, heading, Auctioneers, of Chapter 6, heading, Businesses, of the Harford County Code, as amended; to provide a schedule of fees for services rendered by auctioneers.

By the Council, December 2, 1986

Introduced, read first time, ordered posted and public hearing scheduled

on: January 6, 1987

at: 7:00 P.M.

By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on January 6, 1987
and concluded on January 6, 1987

Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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1 Section 1. Be It Enacted By The County Council of Harford County, Maryland,
2 that Section 6-8, heading, Schedule of fees; services by auctioneer prior to
3 sale, of Article II, heading, Auctioneers, of Chapter 6, heading, Businesses,
4 of the Harford County Code, as amended, be, and it is hereby repealed and
5 re-enacted with amendments all to read as follows:

6 **Chapter 6. Businesses.**

7 **Article II. Auctioneer.**

8 **[Section 6-8. Schedule of fees; services by auctioneer prior to sale.**

9 (a) May be established. Notwithstanding rule B.R. 1, entitled "Auctioneers
10 Commission," of the Rules of the Third Judicial Court of Maryland, the judges
11 of the circuit court for the third judicial circuit who reside in the county may
12 establish a schedule of auctioneer fees to be a part of expenses incurred at a
13 sale under decree of an order of court or other judicial sale of real, leasehold
14 or personal property. If the aforesaid schedule is not adopted by the judges
15 of the circuit court for the county, the judges shall establish for the county
16 the schedule of auctioneer fees in subsection (b) of this section.

17 (b) Allowance of minimum fees. On sales of real or leasehold estate
18 under a decree or an order of court, minimum fees shall be allowed an auctioneer
19 for his services as follows: For the sale of real or leasehold estate, one-half
20 of one percent; provided, that the minimum fee shall not be less than fifty
21 dollars nor the maximum more than one thousand dollars.

22 (c) Increased allowance. The court may, for good cause shown, increase
23 the allowance for fees to an auctioneer.

24 (d) Allowance when sale not made. In event of the withdrawal of a sale
25 of real or leasehold property after the sale has actually begun, the auctioneer
26 shall receive the minimum commissions and fees set forth in subsection (b) of
27 this section.

28 (e) Additional services of auctioneer not required. An auctioneer shall
29 not be required to perform any service prior to the actual sale to attract
30 bidders. His duties shall consist solely of conducting the bidding at the sale
31 and announcing the purchasers.]

32 **SECTION 6-8. SCHEDULE OF FEES ESTABLISHED; SERVICE OF AUCTIONEERS.**

(a) ~~REAL OR LEASEHOLD PROPERTY. ON SALES OF REAL OR LEASEHOLD ESTATE UNDER A DECREE OR ORDER OF COURT, AN AUCTIONEER SHALL BE ALLOWED A FEE PURSUANT TO THE FOLLOWING SCHEDULE:~~

~~5% ON THE FIRST \$1,000.00~~

~~4% ON THE AMOUNT FROM \$1,001.00 TO \$5,000.00~~

~~3% ON THE AMOUNT FROM \$5,001.00 TO \$10,000.00~~

~~2-1/2% ON THE AMOUNT FROM \$10,001.00 TO \$30,000.00~~

~~2% ON ANY AMOUNT IN EXCESS OF \$30,000.00~~

(b) ~~PERSONALTY. ON SALES OF PERSONALTY UNDER A DECREE OR ORDER OF COURT, AN AUCTIONEER SHALL BE ALLOWED A FEE PURSUANT TO THE FOLLOWING SCHEDULE:~~

~~10% ON THE FIRST \$10,000.00~~

~~5% ON THE AMOUNT FROM \$10,001.00 TO \$30,000.00~~

~~3% ON ANY AMOUNT IN EXCESS OF \$30,000.00~~

(c) ~~ALLOWANCE WHEN SALE NOT MADE. IN THE EVENT OF THE WITHDRAWAL OF A SALE OF REAL OR LEASEHOLD PROPERTY AFTER THE SALE HAS ACTUALLY BEGUN, THE AUCTIONEER SHALL BE ENTITLED A MINIMUM FEE OF ONE HUNDRED DOLLARS (\$100.00).~~

(d) ~~CALLING OF SALE. IN THE EVENT AN AUCTIONEER PROVIDES NO SERVICES PRIOR TO THE ACTUAL SALE TO ATTRACT BIDDERS, BUT MERELY CONDUCTS THE BIDDING AND ANNOUNCES THE PURCHASER, THE AUCTIONEER SHALL BE ENTITLED TO A FEE OF ONE HUNDRED DOLLARS (\$100.00) FOR HIS SERVICES.~~

WHEREAS, THE COUNTY COUNCIL OF HARFORD COUNTY, MARYLAND, FINDS THAT THERE IS WIDE DISCREPANCY IN FEES OF AUCTIONEERS; AND

WHEREAS, IT IS AN APPROPRIATE LEGISLATIVE FUNCTION OF THE COUNTY COUNCIL TO RECOMMEND AUCTIONEERS FEES;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL THAT THE FOLLOWING FEES SHALL BE THE SCHEDULE OF FEES FOR AUCTIONEERS, UNLESS:

(1) THE PARTIES, BY CONTRACT, NEGOTIATE OTHERWISE; OR

1 (2) THE COURT DETERMINES THE FEES; OR

2 (3) THE INSTRUMENT PROVIDING FOR THE SALE SETS THE FEES;

3 (A) SALE OF PERSONAL PROPERTY - OTHER THAN LEASEHOLD
4 PROPERTY. ON SALES OF PERSONALTY UNDER A DECREE OR ORDER OF
5 COURT, AN AUCTIONEER WILL BE ALLOWED A FEE PURSUANT TO THE
6 FOLLOWING SCHEDULE:

7 (1) TEN PERCENT (10%) ON THE FIRST \$10,000.00;

8 (2) FIVE PERCENT (5%) ON ANY AMOUNT IN EXCESS OF \$10,000.00;

9 (a.) THE AUCTIONEER WILL BE ENTITLED TO A MINIMUM
10 FEE OF FIVE HUNDRED DOLLARS (\$500.00);

11 (b.) IN THE EVENT OF THE WITHDRAWAL OF THE SALE,
12 THE AUCTIONEER WILL BE ENTITLED TO A FEE OF TWO HUNDRED FIFTY
13 DOLLARS (\$250.00) PLUS ACTUAL EXPENSES INCURRED.

14 (B) SALE OF REAL OR LEASEHOLD PROPERTY. IN SALES OF REAL
15 PROPERTY OR LEASEHOLD INTERESTS, IF THE AUCTIONEER ATTENDS AND
16 CALLS THE SALE BUT PERFORMS NO OTHER SUBSTANTIAL SERVICES, THE
17 AMOUNT OF COMPENSATION WILL BE ONE-HALF (1/2) OF ONE PERCENT
18 (1%) OF THE TOTAL SALES; PROVIDED, THE MINIMUM FEE WILL NOT BE
19 LESS THAN ONE HUNDRED FIFTY DOLLARS (\$150.00) NOR THE MAXIMUM
20 FEE MORE THAN ONE THOUSAND DOLLARS (\$1,000.00). IF THE AUCTIONEER
21 ATTENDS AND CALLS THE SALE AND PERFORMS OTHER SUBSTANTIAL
22 SERVICES, THE AMOUNT OF COMPENSATION WILL BE COMPUTED PURSUANT
23 TO THE FOLLOWING SCHEDULE:

24 (1) FIVE PERCENT (5%) ON THE FIRST \$1,000.00;

25 (2) FOUR PERCENT (4%) ON THE NEXT \$4,000.00;

26 (3) THREE PERCENT (3%) ON THE NEXT \$5,000.00;

27 (4) TWO PERCENT (2%) ON THE NEXT \$90,000.00;

28 (5) ONE PERCENT (1%) ON ANY AMOUNT IN EXCESS OF
29 \$100,000.00;

30 (a.) IN THE EVENT OF THE WITHDRAWAL OF THE SALE,
31 THE AUCTIONEER WILL BE ENTITLED TO A FEE OF ONE HUNDRED FIFTY
32 DOLLARS (\$150.00) PLUS ACTUAL EXPENSES INCURRED.

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AS AMENDED

1 Section 2. An Be It Further Enacted that this Act shall take effect sixty
2 (60) calendar days from the date it becomes law.

3 EFFECTIVE: April 8, 1987
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BY THE COUNCIL

BILL NO. 86-49 (as amended)

Read the third time.

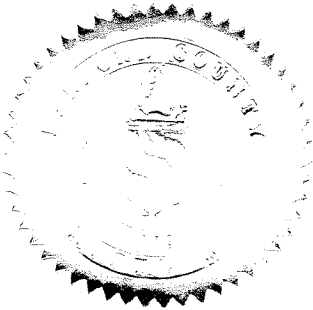
Passed LSD 87-4 (February 3, 1987) (with amendments)

Failed of Passage

By order

Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 5th day of February, 1987
at 3:00 o'clock P.M.



Doris Poulsen, Secretary

BY THE EXECUTIVE

APPROVED:

[Signature]
County Executive
Date 2-7-87

BY THE COUNCIL

This Bill (No. 86-49, as amended), having been approved by
the Executive and returned to the Council, becomes law on February 7,
1987.

Doris Poulsen, Secretary

EFFECTIVE DATE: April 8, 1987

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